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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,457	01/18/2001	Cathy D. Santa Cruz	995	5596

7590

06/19/2002

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EXAMINER

YIP, WINNIE S

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,457

Applicant(s)

SANTA CRUZ ET AL.

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is a first office action for application Serial No. 09/771,457 filed January 18, 2001.

Notice, the recited sub combination feature "said elongate sheet of material" (claim 5) does not appear to consist with the limitation of the body of the claim because "the elongated sheet of material" only functionally recited in the previous claim 1, line 15, by the phrase "being used to". Due to the confusion, claim 1 is treated as a combination on the merits.

Specification

1. The disclosure is objected to because of the following informalities: the disclosure described the "multiple prior art drive motors which are housed within multiple compartments located within first support". In pages 9 to 10, and claim 1, lines 18-19, t However, according to the drawings, each of the support members (34, 16, 17) (not just the first support member (34) having multiple compartments (37) to house motors therein. Clarification is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claims 2 and 3, the term "attachment means" (line 2) is confusing whether or not this term is the same as the "attachment means" recited in the pervious claim 1 (line 6). If they are the same, a proper antecedent basis for each term is required (for example, "said attachment means"). If not, they should differentiate them separately.

In regard to claim 4, "said support structure" is confusing as referring to what element. Should it read, "said overhead structure" as defined in previous claim 1 (line 9)?

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent (No. 7-42297) in view of Lange (US Patent No. 4,512,117).

The Japanese Patent shows and discloses a stage device comprising a plurality of support members (3, 4; 13, 14) in variety shapes such as rectangular (see Fig. 1) or circular (see fig. 10), said support members being telescopically connected each other by suitable attachment means, each support member (3, 4) being selectively and adjustably supported from an overhead structure (6, 16) by support means such as cables (5, 15), each support members (3, 4; 13, 14) having compartments for containment of numerous accessories such as sets of lights, said support means (5,15)

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and the support members being independently operable between various up or down positions for allowing quick changing positions of stage accessories for different sized stage settings. Although Japanese Patent does not define the support members (3, 4) each having compartments supporting at least one rod for supporting an elongated sheet of material such as curtains as claimed, Lange teaches a movable stage (20) supported by an overhead structure such as a ceiling, as well known, comprising a multiple support members (54, 26) each having compartments supporting numerous accessories such as set of lights (30) and containing motors (78) for operating an elongated rod which a sheet of material (32, 36") rotatably mounted thereon. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the stage device of Japanese reference having at least one rod operatively mounted on one side of the telescoping support members by motors to rotatably support sheet of materials on the respective support members as taught by Lange for adjustably covering desirably areas as accommodating various applications.

In regard to claims 2-3, although Japanese Patent does not specifically define how the support members are removably interconnected each other by particular attachment means as claimed, it would have been obvious to one having ordinary skill in the art at the time the invention was made to removably mount the support members of Japanese Patent aligned each other, since it has been held to be within the general skill of a worker in the art to make plural parts aligned side by side as a matter of obvious engineering choice. In re Larson, 144 USPQ 347 (CCPA 1965); In re Lockart, 90 USPQ 214 (CCPA 1951).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

O'Malley '904 teaches a multi-stage device having a plurality of support members being connected other in a telescoping manner as similar to the claimed invention. Rogers et al. '604, Perrottet '798, Pail '028, Giglio et al. '314, Garber '334, Compagnone '628 teach various movable stages having structural limitation similar to the claimed invention. Chu '156 teaches a mounting device having compartments to house a motor and an elongated rod to operate a sheet of material as similar to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Yip whose telephone number is **(703) 308-2491**. The examiner can normally be reached on Monday through Friday from 9:30 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai, can be reached on (703) 308-2486.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is **(703) 308-1113**.

The Fax phone numbers for this Group are **(703) 872-9326** before Final and **(703) 872-9327** after Final. The Fax phone number for Customer Service for this Group is **(703) 872-9325**.

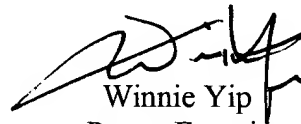
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Patent Examiner
Group Art Unit 3637

June 14, 2002